

United States Bankruptcy Court

Northern District of California San Francisco Division

Guidelines for Payment of Attorney's Fees in Chapter 13 Cases

The following guidelines determine presumptively reasonable fees for Chapter 13 cases, describe simplified procedures for seeking such fees, and determine the manner in which the Chapter 13 Trustee will disburse approved fees.

This court has issued guidelines regarding the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys." Parts I and II of those guidelines describe certain legal services that an attorney agrees to perform for the attorney's clients (the Basic Services). Through these fee guidelines, the court determines the fees that an attorney may recover for performing the Basic Services (the Guideline Fees) and sets forth a simplified procedure for applying for Guideline Fees.

A. Fee Applications.

1. Counsel may receive an order approving fees and costs up to the amounts set forth in Paragraph 2 without filing a detailed application if:
 - a. Counsel has filed and served the Chapter 13 Trustee with an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys," copies of which are available on the Court's website;
 - b. Counsel has accepted no more than \$1,250 as a retainer in a consumer case or \$1500 as a retainer in a business case;
 - c. No objection to the requested fees has been raised.
2. The maximum fee that can be approved through the procedure described in Paragraph 1 is:
 - \$ 2400 for the basic case; and an additional
 - \$ 850 if the case involves real property claims;
 - \$ 500 for each additional parcel of real property with an encumbrance of at least \$10,000;
 - \$ 700 if the case involves unfiled tax returns or objections to claims of taxing agencies;
 - \$ 300 if the case involves vehicle loans or leases;
 - \$1500 if the case involves an operating business;

\$ 800 if the case involves domestic support claims;
\$ 300 if the case involves student loans.

3. Additional flat fees for services rendered will be automatically approved upon application by counsel, without requiring the submission of time records and without a hearing, as follows:

Plan modifications filed after one year from the petition date:

- a. Not requiring amended Schedules I & J \$ 200
- b. Requiring amended Schedules I & J \$ 400

Permission to sell or refinance real property (unless the order confirming the plan permits sale or refinance without an order of the court), or for one or more motions to avoid judicial lien(s):

- a. Not requiring court hearing \$ 300
- b. Requiring court hearing \$ 450

New motions for relief from the automatic stay, excluding unopposed motions, filed after one year from the petition date:

- a. Regarding personal property \$ 200
- b. Regarding real property \$ 350

Motions to dismiss, convert, or reconvert, other than Trustee's Motions to Dismiss regarding plan payments: \$ 450
Assistance with preparation of tax returns \$ 200

4. The Guideline Fees set forth above in Paragraphs A.2 and 3 are viewed by the court as the maximum reasonable fees for Basic Services, and are intended to be the only allowed compensation for such services absent unexpected and unusual circumstances.

5. The simplified procedures for awarding fees in accordance with Paragraphs A.1, 2 and 3 will not be available for Chapter 13 debtor's counsel if:

- a. An executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys" is not filed as of the date first set for the meeting of creditors under 11 U.S.C. § 341; or
- b. A timely objection to the attorneys fees has been filed.

6. If debtor's counsel has accepted a retainer larger than authorized in Paragraph A.1.b. and has not filed an application for court approval of the larger retainer within fifteen (15) days of the filing of the original petition, counsel shall immediately refund the entire retainer to the Chapter 13 trustee, and shall not be paid any additional fees until the entire retainer has been refunded. Late-filed applications for approval of larger-than-guideline retainers will rarely be approved. Counsel whose timely filed

application is denied shall refund only the excess amount, and shall not be paid any additional fees until such excess has been refunded to the Chapter 13 trustee.

7. If debtor's counsel seeks fees for Basic Services in excess of the Guideline Fees, seeks fees for services other than Basic Services, chooses not to utilize these fee procedures, or if the simplified procedures are not available because of either of the conditions described in Paragraph 5: (a) all fees including the retainer must be approved by the court following a hearing and proper application, whether or not the fees are payable through the Chapter 13 Trustee's Office and whether or not fees are paid for services in connection with the Chapter 13 case, (b) counsel must comply with Rules 2002 and 2016 of the Federal Rules of Bankruptcy Procedure, as well as the "Guidelines for Compensation and Expense Reimbursement of Professionals" adopted by the Bankruptcy Judges of the Northern District of California.

8. Counsel may request reimbursement of out-of-pocket court filing fees advanced, even if counsel elects to receive the automatic fees available in accordance with Paragraph 2.

9. On its own motion or the motion of any party in interest, the court may order a hearing to review any fee, whether paid or unpaid.

B. Distribution of Funds in Chapter 13 Cases.

Payments shall be disbursed as set forth in the Model Plan effective October 17, 2005.